

Kassidy J. Wallin (14360)  
Steven F. Alder (0033)  
Assistant Attorneys General  
SEAN D. REYES (7969)  
UTAH ATTORNEY GENERAL  
1594 West North Temple, Suite 300  
Salt Lake City, Utah 84116  
Telephone: (801) 538-7227  
*Attorneys for the Division of Oil, Gas and Mining*

**FILED**

**JAN 14 2014**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

---

**BEFORE THE BOARD OF OIL, GAS & MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

---

IN THE MATTER OF THE REQUEST FOR  
AGENCY ACTION OF AXIA ENERGY,  
LLC FOR AN ORDER AUTHORIZING THE  
FLARING OF GAS IN EXCESS OF THE  
AMOUNTS ALLOWED UNDER UTAH  
ADMIN. CODE RULE R649-3-20(1.1)  
FROM TWELVE (12) THREE RIVERS  
AREA WELLS LOCATED IN SECTIONS 32  
AND 36 OF TOWNSHIP 7 SOUTH, RANGE  
20 EAST, SLM, AND SECTIONS 3, 8, AND  
16 OF TOWNSHIP 8 SOUTH, RANGE 20  
EAST, SLM, UINTAH COUNTY, UTAH

**STIPULATED MOTION FOR LEAVE TO  
FILE UNTIMELY RESPONSE TO  
REQUEST FOR AGENCY ACTION**

Docket No. 2014-002

Cause No. 142-10

The Utah Division of Oil, Gas and Mining ("Division"), by and through its attorneys,  
pursuant to Utah Code § 40-8-6 and Utah Admin. Code R641-105-200, hereby files its Motion  
for Leave to File Untimely Response to Request for Agency Action ("Motion").

On January 10, 2014, Division counsel filed a Response to Axia Energy LLC's Request  
for Agency Action, two days after the deadline for filing Responses and Motions in this matter.  
See Utah Admin. Code R641-105-200 (requiring filing of motions and responses "by the 10<sup>th</sup> day  
of the month or two weeks before the scheduled hearing, whichever is earlier"). Division counsel

contacted counsel for Ultra Resources, Inc. ("Ultra")<sup>1</sup> and asked if it would be willing to stipulate to the untimely-filed Response. Ultra's counsel indicated that it would so stipulate.

Additionally, the Division notes that there is no party that will be prejudiced by the filing of the Response two days after the deadline. The Division's Response is simply meant to give parties advanced notice of what the Division will argue at the hearing.

Accordingly, there is good cause for the Board to consider the Division's Response at the upcoming Board hearing on January 22, 2014. A copy of a Proposed Order Granting Leave to File Untimely Response to Request for Agency Action is attached hereto for the Board's convenience.

RESPECTUFLY SUBMITTED this 13 day of January, 2014.

MACDONALD & MILLER MINERAL  
LEGAL SERVICES, PLLC

SEAN D. REYES (7969)  
UTAH ATTORNEY GENERAL

By: 

Kiersty Loughmiller, Esq.  
Frederick M. MacDonald, Esq.  
7090 S. Union Park Ave. Suite 400  
Salt Lake City, Utah 84047  
Telephone: 801-676-0050  
kiersty@macmillerlegal.com

By: 

Kassidy J. Wallin (14360)  
Steven F. Alder (0033)  
Assistant Attorneys General  
1594 West North Temple, Suite 300  
Salt Lake City, Utah 84116  
Telephone: 801-538-7227  
kassidywallin@utah.gov

---

<sup>1</sup> On December 18, 2013, Ultra replaced Axia as the real party in interest in this Cause. *See* Order Granting Substitution of Ultra Resources, Inc. as Real Party in Interest at 1 (December 18, 2013).

---

**BEFORE THE BOARD OF OIL, GAS & MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

---

IN THE MATTER OF THE REQUEST FOR  
AGENCY ACTION OF AXIA ENERGY,  
LLC FOR AN ORDER AUTHORIZING THE  
FLARING OF GAS IN EXCESS OF THE  
AMOUNTS ALLOWED UNDER UTAH  
ADMIN. CODE RULE R649-3-20(1.1)  
FROM TWELVE (12) THREE RIVERS  
AREA WELLS LOCATED IN SECTIONS 32  
AND 36 OF TOWNSHIP 7 SOUTH, RANGE  
20 EAST, SLM, AND SECTIONS 3, 8, AND  
16 OF TOWNSHIP 8 SOUTH, RANGE 20  
EAST, SLM, UINTAH COUNTY, UTAH

**[PROPOSED] ORDER GRANTING  
LEAVE TO FILE UNTIMELY RESPONSE  
TO REQUEST FOR AGENCY ACTION**

Docket No. 2014-002

Cause No. 142-10

---

The Board of Oil, Gas and Mining, having fully considered the Utah Division of Oil, Gas and Mining's ("Division") Stipulated Motion for Leave to File Untimely Response to Request for Agency Action ("Motion"), and finding good cause therefore, hereby grants said Motion and authorizes the filing and acceptance of the Response to Request for Agency Action filed on January 10, 2014. This Cause is set to be heard on January 22, 2014 at the Board's next regularly scheduled Board hearing. For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ENTERED this \_\_\_\_ day of January, 2014.

**STATE OF UTAH  
BOARD OF OIL, GAS AND MINING**

By: \_\_\_\_\_

Ruland J. Gill, Chairman

**CERTIFICATE OF MAILING**

I hereby certify that I caused a true and correct copy of the forgoing Response to Request for Agency Action to be electronically mailed the 13 day of January, 2014, to:

**Kiersty Loughmiller, Esq.**  
MacDonald & Miller  
Mineral Legal Services, PLLC  
7090 S. Union Park Ave., Suite 400  
Salt Lake City, Utah 84047  
kiersty@macmillerlegal.com

**Michael S. Johnson**  
Assistant Attorney General  
Utah Board of Oil, Gas and Mining  
1594 West North Temple, Suite 300  
Salt Lake City, Utah 84116  
mikejohnson@utah.gov

**Julie Ann Carter**  
Board Secretary  
Utah Board of Oil, Gas and Mining  
1594 West North Temple  
Salt Lake City, Utah 84116  
juliecarter@utah.gov

